

To initiate General Assembly review the following verification must be signed and returned to the Clerk of the State Register

VERIFICATION

This certifies that I have reviewed the text of this document and determined that it conforms to the text submitted by this agency to the Clerk of the State Register.

12/21/09
Date

Jacelyn Boyd
Reviewing Officer

Document No. 4073
PUBLIC SERVICE COMMISSION
CHAPTER 103
Statutory Authority: 1976 Code Section 58-3-140

103-102(5). Charter Bus
103-102(31). Equipped to Carry
103-102(32). Passenger

Synopsis:

The Public Service Commission of South Carolina (Commission) has promulgated a regulation that amends the definition of a charter bus. Additionally, the Commission has promulgated regulations that define the terms "equipped to carry" and "passenger." The purpose of amending Regulation 103-102(5) regarding the definition of a charter bus is to make the language in this regulation consistent with the language defining a limousine in Regulation 103-102(15) by adding the phrase "equipped to carry" to the charter bus definition. Additionally, this proposed regulation deletes language that states a limousine shall not be considered to be a charter bus. The current definition of a limousine is clear. Additionally, the phrase "equipped to carry" is used in the Commission's regulations; however it is not currently defined in the regulations. Thus, the proposed definition will provide jurisdictional utilities and the public with a definition of this term. Further, the word "passenger" is also currently used in the Commission's regulations; however, it is not defined. The proposed definition will cure this problem.

The Notice of Drafting regarding these regulations was published on January 23, 2009, in the *State Register*.

Instructions:

Print the regulations in accordance with directions given to reflect amended regulation and new regulations.

103-102(5). Print this amended regulation as outlined below.
103-102(31). Print this new regulation as shown below.
103-102(32). Print this new regulation as shown below.

Text:

103-102(5). Charter Bus. ~~"Charter Bus" means a motor vehicle carrying 16 or more passengers. However, a limousine shall not be considered to be a charter bus.~~ "Charter Bus" is a passenger carrier equipped to carry sixteen (16) or more passengers.

103-102(31). Equipped to Carry. "Equipped to carry" means the number of passengers a vehicle is capable of carrying based on the number of seatbelts in that vehicle. If seatbelts do not exist in or cannot be located by ORS Inspectors, ORS may alternatively calculate the number of passengers a vehicle is capable of carrying by utilizing the method set forth in the Federal Transportation Regulations to determine "seating capacity" pursuant to 49 C.F.R. §387.29. Efforts to circumvent regulation or proper licensing by removing or altering the number of seatbelts in a vehicle and/or otherwise altering the seating configuration will not absolve the carrier from failing to obtain the proper certificate from the commission.

103-102(32). Passenger. "Passenger" means every person carried or riding in a motor carrier, including the driver.

Fiscal Impact Statement:

There will be no increased costs to the State or its political subdivisions.

Statement of Rationale:

The purpose of promulgating Regulations 103-102(5), 103-102(31), and 103-102(32) is to create uniformity and delete ambiguity in the Commission's regulations. The proposed regulations delete unnecessary language and provide guidance to the public when implementing and executing the Commission's regulations. There was no scientific or technical basis relied upon in the development of this regulation.

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Reviewing Officer

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